

By the Committees on Fiscal Policy; Health, Aging and  
Long-Term Care; and Senators Lee and McKay

309-2070-99

A bill to be entitled

1 An act relating to agricultural pests and  
2 diseases; providing legislative intent;  
3 creating s. 570.235, F.S.; creating the Pest  
4 Exclusion Advisory Committee within the  
5 Department of Agriculture and Consumer  
6 Services; establishing membership of the  
7 advisory committee; providing duties of the  
8 advisory committee; requiring a report;  
9 creating s. 593.28, F.S.; requiring the  
10 Department of Agriculture and Consumer Services  
11 to establish a reimbursement program for  
12 certain temporary relocation expenses;  
13 providing a limitation; amending s. 593.21,  
14 F.S.; directing the Department of Health to  
15 study the health effects of the aerial  
16 application of Malathion; amending s. 593.22,  
17 F.S.; requiring earlier notice of the aerial  
18 application of a pesticide; providing for  
19 diagnostic and treatment costs; providing  
20 appropriations; providing an effective date.

22 WHEREAS, the introduction of agricultural pests and  
23 diseases poses a serious threat to the physical health,  
24 safety, and economic well-being of the people of the state,  
25 and

26 WHEREAS, imported agricultural products provide a means  
27 by which pests and diseases enter this state, resulting in  
28 costly detection, eradication, and control programs, and

29 WHEREAS, the Department of Agriculture and Consumer  
30 Services is responsible for the early detection, eradication,  
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1 and control of agricultural pests and diseases in a reasonable  
2 and well-justified manner, NOW, THEREFORE,

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4 Be It Enacted by the Legislature of the State of Florida:

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6 Section 1. It is the intent of the Legislature that  
7 the aerial application of a pesticide be used only as a last  
8 resort for plant pest eradication when the Department of  
9 Agriculture and Consumer Services conducts an emergency  
10 response to plant pest infestation in an urbanized area. It is  
11 further the intent of the Legislature that the Department of  
12 Agriculture and Consumer Services shall assist the United  
13 States Environmental Protection Agency in expediting the  
14 approval process for plant pest eradication alternatives and  
15 alternative types of baits.

16 Section 2. Section 570.235, Florida Statutes, is  
17 created to read:

18 570.235 Pest Exclusion Advisory Committee.--

19 (1) There is created within the department a Pest  
20 Exclusion Advisory Committee. The advisory committee shall be  
21 composed of 26 members.

22 (a) The Commissioner of Agriculture shall appoint 19  
23 members representing the following:

24 1. Two members from the Department of Agriculture and  
25 Consumer Services.

26 2. Two citizens at large.

27 3. One member from each of the following agricultural  
28 production groups:

29 a. Row crops.

30 b. Citrus.

31 c. Horticulture.

- 1           d. Forestry.  
2           e. Cattle.  
3           f. Dairy.  
4           g. Pork.  
5           h. Poultry.  
6           i. Horses.  
7           j. Aquaculture.  
8           k. Apiary.  
9           4. One member representing research programs in the  
10 state's land grant institutions.  
11           5. One member representing extension programs in the  
12 state's land grant institutions.  
13           6. Two members from the environmental community.  
14           (b) In addition, the committee shall be composed of  
15 the following seven members:  
16           1. Two members representing and appointed by the  
17 Animal and Plant Health Inspection Service of the United  
18 States Department of Agriculture.  
19           2. One member representing and appointed by the  
20 Department of Health.  
21           3. One member representing and appointed by the  
22 Department of Environmental Protection.  
23           4. One member representing and appointed by the Game  
24 and Fresh Water Fish Commission.  
25           5. One member appointed by the Speaker of the House of  
26 Representatives.  
27           6. One member appointed by the President of the  
28 Senate.  
29           (2) The advisory committee shall be governed by the  
30 provisions of s. 570.0705 and shall have the responsibility of  
31 reviewing and evaluating the state's existing and future

1 exclusion, detection, and eradication programs. The  
2 Commissioner of Agriculture shall appoint the chair of the  
3 committee. In evaluating the programs, the advisory committee  
4 shall:  
5 (a) Require the scientific community to provide  
6 necessary scientific background on Florida's programs. Using  
7 such information, the committee shall evaluate the scientific  
8 basis for the programs.  
9 (b) Review current state laws and regulations and  
10 recommend changes.  
11 (c) Identify exotic plants and pests in foreign  
12 countries which pose a significant threat to consumer safety  
13 and have a high likelihood of being introduced into the state.  
14 (d) Identify high-risk areas for pest introduction and  
15 offer recommendations for specific programmatic activities to  
16 address such risk.  
17 (e) Study the possibility of partnerships with other  
18 public and private entities to develop programs, projects, and  
19 activities that may be cost-effective and that may assist in  
20 implementing a pest exclusion program.  
21 (f) Address any area of concern that is raised  
22 regarding the state's pest exclusion, detection, and  
23 eradication program.  
24 (g) Make recommendations to the Commissioner of  
25 Agriculture, the Governor, the Speaker of the House of  
26 Representatives, and the President of the Senate for needs and  
27 changes in these programs, including funding requirements and  
28 needs.  
29 (3) The committee shall issue a report of its findings  
30 to the Commissioner of Agriculture, the Governor, the Speaker  
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1 of the House of Representatives, and the President of the  
2 Senate by January 1, 2001.

3 Section 3. Section 593.28, Florida Statutes, is  
4 created to read:

5 593.28 Relocation program.--

6 (1) The Department of Agriculture and Consumer  
7 Services shall establish a program to reimburse residents of  
8 the state for temporary relocation to avoid emergency aerial  
9 application of malathion to an urbanized area for purposes of  
10 plant pest eradication and control. Nothing in this section  
11 shall be construed to apply to pesticide applications  
12 regulated under chapter 388, chapter 482, or chapter 487 or  
13 persons performing any pest control or other operation for  
14 which they are licensed or certified under such chapters.  
15 Persons may be reimbursed for temporary and reasonable travel  
16 expenses to a location up to 25 miles outside the spray zone  
17 for the duration of each individual spray application.  
18 Individuals seeking reimbursement must be listed in the  
19 Department of Agriculture and Consumer Services registry of  
20 persons requiring prior notification of the application of  
21 pesticides, pursuant to s. 482.2267, when the emergency is  
22 declared. In addition, each individual seeking reimbursement  
23 shall provide receipts or other documentation for travel and  
24 other expenses, including costs for lodging and meals. All  
25 reimbursement shall be reasonable, shall be made in accordance  
26 with s. 215.422, and may not exceed \$100 per person per day.  
27 All reimbursement payments shall be made in accordance with s.  
28 215.422.

29 (2) Relocation reimbursement expenses payable by the  
30 department under subsection (1) shall be limited to funds  
31 appropriated explicitly for such purpose.

1 Section 4. Section 593.21, Florida Statutes, 1998  
2 Supplement, is amended to read:  
3 593.21 Monitoring of health complaints by Department  
4 of Health; hotline; rulemaking authority.--At any time when  
5 the Department of Agriculture and Consumer Services is  
6 conducting an emergency response to a plant pest infestation  
7 which involves the aerial application of a pesticide to an  
8 urbanized area, the Department of Health shall monitor health  
9 problems that result from chemical exposure about which  
10 complaints are made to physicians and health care facilities.  
11 The Department of Health shall provide a toll-free hotline on  
12 which persons may register complaints and shall make a record  
13 of all calls received on that line. In consultation with the  
14 Department of Health, the Department of Agriculture and  
15 Consumer Services shall adopt by rule standards for  
16 determining when the use of a particular pesticide should be  
17 discontinued. The Department of Health shall conduct a  
18 prospective, case-control study to determine whether there are  
19 adverse health effects associated with the aerial application  
20 of Malathion and bait for the purposes of plant pest  
21 eradication. The study shall be properly designed to include  
22 all aerial plant pest control applications, including bait  
23 mixtures as well as appropriate classifications, diagnoses,  
24 treatments, and monitoring of adverse-effect reactions.  
25 Notwithstanding any law to the contrary, the Department of  
26 Health shall have access to confidential patient information  
27 for the purpose of conducting the study. The results of the  
28 study shall be made available to the President of the Senate,  
29 the Speaker of the House of Representatives, the Executive  
30 Office of the Governor, and the Commissioner of Agriculture  
31 within 18 months after the next aerial application of

1 Malathion conducted by the Department of Agriculture and  
2 Consumer Services occurring after July 1, 1999.

3 Section 5. Section 593.22, Florida Statutes, 1998  
4 Supplement, is amended to read:

5 593.22 Notice and information.--Before the Department  
6 of Agriculture and Consumer Services begins an emergency  
7 response to a plant pest infestation which involves the aerial  
8 application of a pesticide to an urbanized area, the  
9 department shall notify the public in the area in which the  
10 pesticide is to be applied of its impending action. Notice  
11 must be given at least 96 ~~48~~ hours before beginning the aerial  
12 application of a pesticide to an urbanized area. The  
13 department shall use all reasonable methods to disseminate  
14 information required under this section as widely as possible.  
15 Information to be disseminated includes, but is not limited  
16 to: a copy of any Environmental Protection Agency permit or  
17 other permit under which the pesticide will be applied, and  
18 the source, including the date of publication, of any  
19 technical information, if available, about the pesticide which  
20 is included in the notice; the projected area over which the  
21 pesticide will be applied; the predicted duration of the  
22 application period; and the number of the Department of  
23 Health's toll-free hotline. When the emergency response to a  
24 plant pest infestation requires the aerial application of a  
25 pesticide to an urbanized area for a period longer than 1  
26 week, the department shall notify the public in the area of  
27 the program's continuation. The department shall notify the  
28 public in the area when an emergency response to a plant pest  
29 infestation which requires the aerial application of a  
30 pesticide to an urbanized area is terminated. The Department  
31 of Health shall provide services to evaluate and, if

1 necessary, treat cases of illness associated with the aerial  
2 application of Malathion and bait for the purposes of plant  
3 pest eradication; however, the costs of evaluation and  
4 treatment services may be paid by the Department of Health  
5 only for individuals who are uninsured residents of the  
6 sprayed areas and who are included by the Department of Health  
7 as participants in the study provided in s. 593.21. The  
8 pesticide-illness classification established by the United  
9 States Centers for Disease Control and Prevention shall be  
10 used to establish definite or probable cases for eligibility  
11 determination for these services. The total cost of all  
12 evaluation and treatment services, including, but not limited  
13 to, health practitioner services, laboratory services, imaging  
14 services, and medications, may not exceed \$1,000 per patient.

15 Section 6. The sum of \$200,000 is appropriated from  
16 the General Revenue Fund to the Department of Agriculture and  
17 Consumer Services for the purpose of paying the costs of  
18 relocation reimbursement expenses to avoid Malathion spraying  
19 during the 1999-2000 Fiscal Year.

20 Section 7. The sum of \$550,000 is appropriated from  
21 the General Revenue Fund to the administrative trust fund in  
22 the Department of Health to carry out the provisions of this  
23 act. Of this amount, \$450,000 is for the purpose of conducting  
24 the study provided for in the amendment to section 593.21,  
25 Florida Statutes, by this act and \$100,000 is for the purpose  
26 of providing services to evaluate and treat illness in  
27 accordance with the amendment to section 593.22, Florida  
28 Statutes, by this act.

29 Section 8. This act shall take effect July 1, 1999.  
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309-2070-99

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 CS/SB 1760 and SB 924

4 The provision creating the Task Force on Agricultural Pests  
5 and Diseases within the Department of Agriculture and Consumer  
6 Services created under SB 924 is removed from the committee  
7 substitute.

8 A Pest Exclusion Advisory Committee, made up of 26 designated  
9 individuals, is created within the Department of Agriculture  
10 and Consumer Services. The committee is to evaluate the  
11 scientific basis for the state's pest-exclusion, detection,  
12 and eradication programs, review the laws and regulations  
13 relating to such programs, identify plants and pests that pose  
14 a threat to the state, identify high-risk areas, and make  
15 recommendations.

16 The appropriation of funds to reimburse individuals for  
17 expenses incurred from relocating from an aerial pesticide  
18 spraying area is increased to \$200,000. In addition,  
19 individuals can be only be reimbursed when relocating up to 25  
20 miles from the spray area.

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